

United States
Circuit Court of Appeals
For the Ninth Circuit.

EDWARD WHITE, as Commissioner of Immigration
for the Port of San Francisco,
Appellant,
vs.
FONG GIN GEE,
Appellee.

Transcript of Record.

Upon Appeal from the Southern Division of the
United States District Court for the
Northern District of California,
First Division.

FILED
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F. D. MONCKTON,
CLERK.

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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in italic; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in italic the two words between which the omission seems to occur.]

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Names and Addresses of Attorneys of Record.

For Respondent and Appellant:

U. S. ATTORNEY, San Francisco, Calif.

For Petitioner and Appellee:

JOSEPH P. FALLON, Esq., San Francisco,
Calif., Hearst Bldg.

In the Southern Division of the United States District Court for the Northern District of California, First Division.

No. 16,408.

In the Matter of FONG GIN GEE, on Habeas Corpus.

Praeceptum for Transcript of Record.

To the Clerk of said Court:

Sir: Please make copies of the following papers to be used in preparing transcript on appeal:

1. Petition for writ of habeas corpus.
2. Order to show cause.
3. Demurrer to petition.
4. Order that writ of habeas corpus issue Nov. 9, 1918.
5. Writ of habeas corpus and marshal's return of service thereof.
6. Amended petition for writ of habeas corpus.
7. Return to amended petition.
8. Traverse to return.
9. Order discharging petitioner, January 13, 1919.
10. Petition for appeal.

11. Assignment of errors.
12. Order allowing appeal.
13. Notice of appeal.
14. Citation on appeal.
15. Stipulation of attorneys and order of the Court that Respondent's Exhibits "A," being the record of the Bureau of Immigration, be transferred to the United States Circuit Court of Appeals for the Ninth Circuit, to be considered in their original form, and without being transcribed or copied.

ANNETTE ABBOTT ADAMS,

United States Attorney. [1*]

Service of the within praecipe by copy admitted this 7th day of July, 1919.

JOSEPH P. FALLON,

Attorney for Petitioner.

[Endorsed]: Filed Jul. 7, 1919. W. B. Maling, Clerk. By C. W. Calbreath, Deputy Clerk. [2]

In the Southern Division of the United States District Court for the Northern District of California, First Division.

No. 16,405.

In the Matter of FONG GIN GEE, on Habeas Corpus.

*Page number appearing at foot of page of original certified Transcript of Record.

Petition for a Writ of Habeas Corpus.

To the Honorable, the Southern Division of the United States District Court, for the Northern District of California, First Division.

The petition of Chin Lim respectfully shows:

I.

That your petitioner is a Chinese person and a resident of the city and county of San Francisco and Northern District of California.

II.

That Fong Gin Gee, the detained person, on whose behalf this petition is made, is the natural born son of Fong Cheung, a regularly domiciled Chinese merchant and resident of Woodland, California; that your petitioner makes this petition for the said detained for the reason that he is confined at Angel Island and unable to attend to the matter, and for the further reason that the father of said detained is now in Woodland, California, and has not time to appear here.

III.

That the detained and your petitioner first received word that he was to be deported from the United States on the 3d day of July, 1918; that he was also informed that said deportation would take place on the 6th day of July, 1918, on the steamer "Korea Maru." [3]

IV.

That said Fong Gin Gee is unlawfully imprisoned, detained, confined and restrained of his liberty by Edward White, Commissioner of Immigration, at the

Port of San Francisco, at the Immigration Station of the United States at Angel Island, or in some other place in the Northern District of California.

V.

That the illegality of such imprisonment, restraint, and confinement consists of this, to wit:

That the said Fong Gin Gee made application to be admitted to the United States as the minor son of a merchant; that subsequent to the said application to be so admitted to the United States the said Fong Gin Gee was by the Secretary of Labor of the United States refused and denied a fair hearing in good faith, and was by the Secretary of Labor, and the officials acting under him, by a manifest abuse of the discretion committed to them by law and against the letter and the spirit of the law, denied the right to enter the United States, and in this behalf your petitioner alleges:

That the said Fong Gin Gee, during the month of January, 1918, arrived at the port of San Francisco from China and made application to the Commissioner of Immigration at the port of San Francisco, for admission to the United States as the minor son of a merchant; that said application for admission was denied by said Commissioner of Immigration; that thereafter an appeal was taken therefrom to the Secretary of Labor and said decision of said Commissioner of Immigration was sustained by the said Secretary of Labor; that said decision was unfair and illegal in this:

1. That the said decision is not based on any discrepancies appearing in the testimony given at the hearing held in regard to said matter. [4]

2. That the evidence introduced before the Department of Labor to determine the relationship of father and son clearly established the fact that said Fong Gin Gee was the lawful minor son of Fong Cheung.

3. That there was no evidence introduced at said hearing to support the conclusion that said Fong Gin Gee is not the minor son of Fong Cheung.

4. That your petitioner is informed and believes, and therefore alleges the fact to be, that the decision of the said Secretary of Labor is not based upon any material discrepancies appearing in the testimony given at the hearing held in regard to said matter; but is based upon the erroneous conclusion that your petitioner is not a *bona fide* merchant, and in this behalf your petitioner alleges that he was duly admitted into the United States as a merchant and has never changed his status nor performed any manual labor other than that connected with the proper handling of his business and which is permitted by law.

5. That it is the duty of the said Fong Cheung, as a member of the firm of Man Hop & Company of Woodland, California, to go through the country by automobile and purchase poultry from the farmers, and your petitioner is informed and believes and therefore alleges the fact to be that the Immigration officials hold that such work is not consistent with the duties of a merchant, but, on the contrary, is the work of a laborer.

6. That your petitioner alleges that the said Fong Cheung is a *bona fide* active member of the above-named firm of Man Hop & Company and that the poultry purchased by the said Fong Cheung is sold in

the store of said company, and in the regular course of business.

7. That all of said testimony so taken and all orders and [5] findings of said Commissioner of Immigration and said Secretary of Labor and all other papers, documents and proceedings in said matter of the application of Fong Gin Gee for admission to the United States are, as your petitioner is informed and believes, and therefore alleges the fact to be, incorporated in the record of the application of the said Fong Gin Gee for admission to the United States and are now in the possession of and subject to the control of the Secretary of Labor, and all of them are now inaccessible to your petitioner and the said Fong Gin Gee; that as soon as your petitioner is able to obtain a copy of said testimony he will ask to amend this petition and make it a part hereof.

That said Fong Gin Gee, the said detained person, has exhausted all his rights and remedies and has no further remedy before the Department of Labor, and that unless the writ of habeas corpus issue out of this Court as prayed for herein, directed to Edward White, Commissioner aforesaid, in whose custody the body of said Fong Gin Gee is, the said Fong Gin Gee will be deported from the United States to China without due process of law.

WHEREFORE, your petitioner prays that a writ of habeas corpus be issued by this Honorable Court, directed to and commanding the said Edward White, Commissioner of Immigration, at the port of San Francisco, to have and produce the body of said Fong Gin Gee before this Honorable Court at its court-

room in the city and county of San Francisco, in the Northern District of California, at the opening of court on a day certain in order that the alleged cause of the imprisonment, detention, confinement and restraint of said Fong Gin Gee, and the legality or illegality thereof may be inquired into and in order that in case the said imprisonment, detention, confinement and restraint are unlawful and illegal that the said Fong Gin Gee be discharged from all custody, imprisonment, confinement and restraint.

Dated this 3d day of July, 1918.

JAMES P. FALLON,
Attorney for Petitioner. [6]

State of California,
City and County of San Francisco,—ss.

Chin Lim, being first duly sworn, deposes and says: That he is the petitioner named in the foregoing petition; that he has heard read the same and knows the contents thereof; that the same is true of his own knowledge, except as to those matters therein stated on his information and belief and as to those matters he believes it to be true.

CHIN LIM.

Subscribed and sworn to before me this 3d day of July, 1918.

[Seal] VIRGINIA A. BEEDE,
Notary Public in and for the City and County of San Francisco, State of California.

[Endorsed]: Filed Jul. 3, 1918. W. B. Maling,
Clerk. By T. L. Baldwin, Deputy Clerk. [7]

In the Southern Division of the United States District Court for the Northern District of California, First Division.

No. 16,405.

In the Matter of FONG GIN GEE, on Habeas Corpus.

Order to Show Cause.

Upon reading and filing the verified petition of Chin Lim praying for the issuance of a writ of habeas corpus,—

IT IS HEREBY ORDERED that Edward White, as Commissioner of Immigration at the port of San Francisco, at Angel Island, be and appear before the above-entitled court, Department Number One thereof, on Saturday, the 13th day of July, 1918, to show cause, if any he have, why a writ of habeas corpus should not issue in this matter and the petition granted as prayed, and this at the hour of 10 o'clock of said day; and

IT IS FURTHER ORDERED, that said Fong Gin Gee be not removed from the jurisdiction of this Court until the further order of this Court; and

IT IS FURTHER ORDERED, that a copy of this order be served upon said Edward White or such other person having the said Fong Gin Gee in custody as an officer of said Edward White.

Dated July 5, 1918.

WM. H. HUNT,
Judge.

[Endorsed]: Filed Jul. 5, 1918. W. B. Maling,
Clerk. By C. M. Taylor, Deputy Clerk. [8]

*In the Southern Division of the United States Dis-
trict Court for the Northern District of Cali-
fornia, First Division.*

No. 16,408.

In the Matter of FONG GIN GEE, on Habeas
Corpus.

Demurrer to Petition for Writ of Habeas Corpus.

Now comes the respondent, Edward White, Com-
missioner of Immigration at the port of San Fran-
cisco, in the State and Northern District of Cali-
fornia, and demurs to the petition for a writ of habeas
corpus in the above-entitled cause and for grounds of
demurrer alleges:

I.

That the said petition does not state facts sufficient
to entitle petitioner to the issuance of a writ of habeas
corpus, or for any relief thereon.

II.

That said petition is insufficient in that the state-
ments therein relative to the record of the testimony
taken on the trial of the said applicant are conclu-
sions of law and not statements of ultimate facts.

WHEREFORE, respondent prays that the writ of habeas corpus be denied.

ANNETTE ABBOTT ADAMS,

United States Attorney,

C. F. TRAMUTOLO,

Asst. United States Attorney,

Attorneys for Respondent.

[Endorsed]: Filed Aug. 31, 1918. W. B. Maling, Clerk. By Lyle S. Morris, Deputy Clerk. [9]

In the Southern Division of the United States District Court for the Northern District of California, First Division.

No. 16,408.

In the Matter of FONG GIN GEE, on Habeas Corpus.

(Order Overruling Demurrer to Petition for a Writ of Habeas Corpus.)

JOSEPH P. FALLON, Esq., Attorney for Petitioner.

Mrs. ANNETTE ABBOTT ADAMS, United States District Attorney, and C. F. TRAMUTOLO, Assistant United States Attorney, Attorneys for Respondent.

ON DEMURRER TO A PETITION FOR A WRIT OF HABEAS CORPUS.

As I read the record in this case the bureau does not find that the father of the detained has no interest in the Woodland store, but bases its finding that he is

not a merchant on the fact that he buys and collects chickens from farmers throughout the country and sells and delivers them to customers in Sacramento. But it seems to me that if the firm of which the father is a member is one really dealing in poultry and eggs, receiving orders for such and sending the father out to procure and deliver them, this does not make him a peddler within the meaning of the law, even though on his trips he does occasionally solicit eggs and poultry from farmers in the first instance, or look for an occasional purchaser at Sacramento for his surplus supply.

The demurrer to the petition will be overruled and the writ prayed for will issue returnable November 9, 1918, at 10 A. M. October 30, 1918.

M. T. DOOLING,
United States District Judge.

[Endorsed]: Filed Oct. 30, 1918. W. B. Maling,
Clerk. By C. W. Calbreath, Deputy Clerk. [10]

In the Southern Division of the United States District Court, for the Northern District of California, First Division.

No. 16,408.

In the Matter of FONG GIN GEE, on Habeas Corpus.

Writ of Habeas Corpus.

The President of the United States of America, to
the Commissioner of Immigration, Port of San
Francisco, Calif., Angel Island, GREETING:

YOU ARE HEREBY COMMANDED that you
have the body of the said person by you imprisoned
and detained, as it is said, together with the time and
cause of such imprisonment and detention, by what-
soever name the said person shall be called or
charged, before the Honorable MAURICE T. DOOL-
ING, Judge of the United States District Court,
Northern District of California, at the courtroom of
said court, in the city and county of San Francisco,
California, on the 9th day of November, A. D. 1918,
at 10 o'clock A. M., to do and receive what shall then
and there be considered in the premises.

AND HAVE YOU THEN AND THERE THIS
WRIT.

WITNESS, the Honorable MAURICE T. DOOL-
ING, Judge of the said District Court, and the seal
thereof, at San Francisco, in said District, on the
30th day of October, A. D. 1918.

[Seal]

WALTER B. MALING,

Clerk.

By C. W. Calbreath,

Deputy Clerk.

JOSEPH P. FALLON,

Attorney for Petitioner. [11]

Return on Service of Writ.

United States of America,
Northern District of Cal.—ss.

I hereby certify and return that I served the annexed writ of habeas corpus on the therein named Commr. White of Immigration of Angel Island by handing to and leaving a true and correct copy thereof with Commr. White of Immigration, personally, at Angel Island, in said District, on the first day of November, A. D. 1918.

J. B. HOLOHAN,
U. S. Marshal.

By Frank J. Ralph,
Deputy.

[Endorsed]: Filed Nov. 4, 1918. W. B. Maling,
Clerk. By C. W. Calbreath, Deputy Clerk. [12]

In the Southern Division of the United States District Court, for the Northern District of California, First Division.

No. 16,408.

In the Matter of FONG GIN GEE, on Habeas Corpus.

Amended Petition for a Writ of Habeas Corpus.

To the Honorable, the Southern Division of the United States District Court, for the Northern District of California, First Division.

The petition of Lee Back Fon respectfully shows:

I.

That your petitioner is a Chinese person and a resident of the city and county of San Francisco and Northern District of California.

II.

That Fong Gin Gee, the detained person, on whose behalf this petition is made, is the natural born son of Fong Cheung, a regularly domiciled Chinese merchant and resident of Woodland, California; that your petitioner makes this petition for the said detained for the reason that he is confined at Angel Island and unable to attend to the matter and for the further reason that the father of said detained is now in Woodland, California, and has not time to appear here.

III.

That the detained and your petitioner first received word that he was to be deported from the United States on the 3d day of July, 1918; that he was also informed that said deportation would take place on the 6th day of July, 1918, on the steamer "Korea Maru." [13]

IV.

That said Fong Gin Gee is unlawfully imprisoned, detained, confined and restrained of his liberty by Edward White, Commissioner of Immigration, at the port of San Francisco, at the Immigration Station of the United States at Angel Island, or in some other place in the Northern District of California.

V.

That the illegality of such imprisonment, restraint, and confinement consists of this, to wit:

That the said Fong Gin Gee made application to be admitted to the United States as the minor son of a Chinese merchant, to wit, Fong Cheung, who is domiciled in the United States, and as such was entitled under the law to enter the United States; that subsequent to the application to be so admitted to the United States, the said Fong Gin Gee was by the Secretary of Labor of the United States refused and denied a fair hearing in good faith and was by the Secretary of Labor and the officials acting under him, by a manifest abuse of the discretion committed to them by law, and against the letter and spirit of the law, denied the right to enter the United States, and in this behalf your petitioner alleges:

That the said Fong Gin Gee, during the month of January, 1918, arrived at the port of San Francisco from China and made application to the Commissioner of Immigration at the port of San Francisco, for admission to the United States as the minor son of a Chinese merchant; that said application for admission was denied by said Commissioner of Immigration; that thereafter an appeal was taken therefrom to the Secretary of Labor and said decision of said Commissioner of Immigration was sustained by the said Secretary of Labor; that said decision was unfair and illegal in this:

1. That it is admitted by the said Immigration officials [14] that the said Fong Gin Gee is the lawful minor son of the said Fong Cheung, but the said Immigration officials claim the right to deny the said Fong Gin Gee the privilege to enter the United States upon the ground that the business of the said

Fong Cheung is not such as to confer upon the said Fong Cheung a mercantile status as defined by the law governing the admission of Chinese into the United States; that it is alleged by the said Immigration Officials that the manner and method pursued by the said Fong Cheung in transacting his business is not of such a character as would place him in the merchant class, and that the work so performed is not consistent with the duties of a merchant, but, on the contrary, is the work of a laborer; and therefore as a matter of law the said Fong Gin Gee has no right to enter the United States as the minor son of a Chinese merchant; on the contrary, your petitioner states that the said Fong Cheung is a *bona fide* merchant as defined by the laws governing the admission of Chinese into the United States, and in this behalf your petitioner alleges: That the said Fong Cheung, the father of said applicant, Fong Gin Gee, is a *bona fide* and active member of the firm of Man Hop & Company of Woodland, California; that it is the duty of the said Fong Cheung, as a member of the said firm, to go throughout the country by automobile and to purchase poultry from the farms; that the poultry thus purchased is sold by the said firm in the regular course of its business, and upon orders received from customers of said firm; that the work of handling said poultry by the said Fong Cheung is incident to said business of Man Hop & Company, and that the said Fong Cheung performs no labor that is not connected with the proper handling of said business and which labor is permitted by law to be performed by a Chinese merchant as an incident to

said business, and the denial of entry to the United States of the said Fong Gin Gee, as the minor son of a merchant, is [15] without the letter and the spirit of the law.

2. That all of said testimony so taken and all orders and findings of said Commissioner of Immigration and said Secretary of Labor and all other papers, documents and proceedings in said matter of the application of Fong Gin Gee for admission to the United States are, as your petitioner is informed and believes and therefor alleges the fact to be, incorporated in the record of the application of the said Fong Gin Gee for admission to the United States and are now in the possession of and subject to the control of the Secretary of Labor, and all of them are now inaccessible to your petitioner and the said Fong Gin Gee; that as soon as your petitioner is able to obtain a copy of said testimony he will ask to amend this petition and make it a part hereof.

3. That said Fong Gin Gee, the said detained person, has exhausted all his rights and remedies and has no further remedy before the Department of Labor, and that unless the writ of habeas corpus issue out of this court as prayed for herein, directed to Edward White, Commissioner aforesaid, in whose custody the body of said Fong Gin Gee is, the said Fong Gin Gee will be deported from the United States to China without due process of law.

WHEREFORE, your petitioner prays that a writ of habeas corpus be issued by this Honorable Court, directed to and commanding the said Edward White, Commissioner of Immigration, at the port of San

Francisco, to have and produce the body of said Fong Gin Gee before this Honorable Court at its courtroom in the city and county of San Francisco, in the Northern District of California, at the opening of court on a day certain in order that the alleged cause of the imprisonment, detention, confinement and restraint of said Fong Gin Gee and the legality or illegality thereof may be inquired into and in order that in case the said imprisonment, detention, confinement and restraint are unlawful and illegal that [16] the said Fong Gin Gee be discharged from all custody, imprisonment, confinement and restraint.

Dated this 22d day of November, 1918.

JOSEPH P. FALLON,

Attorney for Petitioner.

State of California,

City and County of San Francisco,—ss.

Lee Back Fon, being first duly sworn, deposes and says:

That he is the petitioner named in the foregoing petition; that he has heard read the same and knows the contents thereof; that the same is true of his own knowledge, except as to those matters therein stated on his information and belief, and as to those matters he believes it to be true.

LEE BACK FON.

Subscribed and sworn to before me this 22d day of November, 1918.

[Seal] VIRGINIA A. BEEDE,
Notary Public in and for the City and County of San Francisco, State of California.

[Endorsed]: Filed Nov. 23, 1918. W. B. Maling, Clerk. By C. W. Calbreath, Deputy Clerk. [17]

In the Southern Division of the United States District Court, for the Northern District of California, First Division.

No. 16,408.

In the Matter of FONG GIN GEE, on Habeas Corpus.

Return to Amended Petition.

Comes now Edward White, Commissioner of Immigration at the port of San Francisco, by P. A. Robbins, Immigrant Inspector, and in return to said petition for a writ of habeas corpus, admits, denies and alleges as follows:

I.

DENIES that said Fong Cheung, mentioned in the petition herein, is or ever was a regularly domiciled Chinese merchant, or a domiciled Chinese merchant, or a Chinese merchant at all in Woodland, California, or elsewhere in the said United States.

II.

DENIES that said Fong Gin Gee is unlawfully imprisoned, detained, confined and restrained, or un-

lawfully imprisoned, or detained, or confined, or restrained of his liberty by the said Edward White, Commissioner of Immigration at the port of San Francisco, or by any other person or persons whatever at the Immigration Station, of the United States at Angel Island, or elsewhere, or at all so imprisoned, or detained, or confined, or restrained, but in this connection alleges the fact, respecting the detention and confinement and restraint of said Fong Gin Gee to be:

That said Fong Gin Gee in the month of January, 1918, made application to be admitted to the United States, claiming to be the minor son of a Chinese merchant domiciled in the United States and doing business at a fixed place, to wit, as the minor son of one Fong Cheung. [18]

That thereafter, the claim of said Fong Gin Gee under his said application was investigated by the Immigration Service of the United States, Department of Labor, wherein the said Fong Gin Gee and all persons and attorneys in his behalf were in good faith given and accorded a full and fair hearing before the Commissioner of Immigration, in which all the oral and documentary evidence was introduced and affidavits admitted in support of applicant's claim.

That thereafter, and on the 13th day of February, 1918, after fully and fairly considering the evidence adduced and submitted in behalf of applicant, the said Commissioner of Immigration notified the said applicant, his counsel and the Consul General of China that the claimed mercantile status and rela-

tionship of said Fong Cheung, as claimed by applicant, had not been established and on said last mentioned date afforded said applicant an opportunity to furnish and submit additional evidence within a period of ten days.

That thereafter, and on the 27th day of February, 1918, additional evidence was by applicant presented to said Commissioner in support of his application.

That thereafter, to wit, on the 4th day of March, 1918, and after fully and fairly considering all the evidence so presented, the application of said Fong Gin Gee was by the Honorable Edward White, Commissioner of Immigration, aforesaid, denied and notice thereof immediately given to said Fong Gin Gee, his attorney and the Consul General of China.

That thereafter, to wit, March 6th, 1918, an appeal from the decision of said Commissioner of Immigration was taken and perfected to the Honorable Secretary of Labor and the record transmitted.

That said Fong Gin Gee was there and on said appeal to and before said Secretary of Labor, represented by his counsel that a [19] hearing upon said appeal was duly and regularly had, and in addition to the evidence theretofore given, the said Fong Gin Gee was afforded the opportunity to, and did present other further and all the evidence in support of his said application and a full and fair hearing in good faith was then and there given said applicant before the said Secretary of Labor, and the evidence being closed, the cause was argued orally and by written brief by applicant's attorney, and thereupon the cause was submitted to said Secretary of Labor

for his consideration and decision; whereupon, after careful consideration of all the evidence presented, the decision of the said Commissioner of Immigration denying applicant the right to enter the United States was, by the Honorable John W. Abercrombie, Acting Secretary of Labor, approved on the 27th day of June, 1918, and the said Fong Gin Gee ordered deported.

DENIES that the said Fong Gin Gee was, by the said Secretary of Labor, or at all, refused or denied a fair hearing in good faith, or that the said Fong Gin Gee was by a manifest, or any abuse of discretion, committed by law, or otherwise, to said Secretary of Labor, or the officials, or either, or any of them acting under him, denied the right to enter the United States, but to the contrary, alleges that the said Fong Gin Gee was denied the right to enter the United States after a full and fair hearing upon a consideration of all the evidence presented, and the said Secretary of Labor, in the exercise of the discretion committed to him, decided that the said Fong Gin Gee had failed to establish the existence of his right to enter the United States.

DENIES that the said decision of the Commissioner of Immigration, or the said decision of the Secretary of Labor, was unfair or illegal.

DENIES that the said Fong Cheung, father of the said applicant, [20] is a *bona fide* Chinese merchant, or a Chinese merchant at all, as defined by, or within the meaning of the laws governing the admission of Chinese into the United States.

DENIES that the said Fong Cheung is a *bona fide*

or acting member of said firm of Man Hop & Company, but alleges the fact to be that the said Fong Cheung, for two years prior to, and at the time claimed and alleged that he became a member of said firm of Man Hop & Company, was a huckster or peddler, to wit, engaged in going about the country purchasing and selling poultry, and that there has been no cessation but a continuing of said work of huckstering or peddling in the same way by the said Fong Cheung at the time of, and ever since his alleged membership in said firm of Man Hop & Company, and that his connection with, and membership in the said firm of Man Hop & Company, if any, was an incident to his labor and business as huckster or peddler, and that the said denial of entry to the United States of the said Fong Gin Gee upon the said facts disclosed by the evidence and incorporated in the record thereof, was within the discretion of the said Secretary of Labor.

DENIES that the record ever was, or is now inaccessible to petitioner, but alleges that the said record was at all times available and accessible to petitioner.

As a further, separate and distinct answer and defense to the said petition herein, respondent alleges that the question as to the right of said Fong Gin Gee to enter and remain in the United States under his said application was one of fact, the examination and determination of which is by law committed to the Commissioner of Immigration and Secretary of Labor and that upon a full and fair hearing thus had in good faith, the decision of the said Secretary of

Labor is by law made final.

That the said hearings, as conducted, and the testimony and [21] all evidence taken by the Immigration officials and Secretary of Labor acting for and in behalf of the Government of the United States have been recorded in a record known as the original record in the case of Fong Gin Gee of the Bureau of Immigration, and that the said testimony, evidence and all exhibits offered, introduced and considered, and with the record, are by reference incorporated into and made a part of this answer and return and filed herewith.

WHEREFORE, respondent prays that the said petition be denied and said Fong Gin Gee be remanded to the custody of respondent and deportation and for such other and further relief as to this Court seems equitable and just.

ANNETTE ABBOTT ADAMS,

United States Attorney.

BEN F. GEIS,

Asst. United States Attorney. [22]

United States of America,
Northern District of California,
City and County of San Francisco,—ss.

P. A. Robbins, being first duly sworn, deposes and says: That he is a Chinese and Immigrant Inspector connected with the Immigration Service for the port of San Francisco and has been specially directed to appear for and represent the respondent, Edward White, Commissioner of Immigration, in the within entitled matter; that he is familiar with all the facts set forth in the within return to the amended petition

for writ of habeas corpus and knows the contents thereof; that it is impossible for the said Edward White to appear in person or to give his attention to said matter; that of affiant's knowledge the matters set forth in the return to the amended petition for a writ of habeas corpus are true, excepting those matters which are stated on information and belief and that as to those matters he believes it to be true.

P. A. ROBBINS.

Subscribed and sworn to before me this 30th day of November, 1918.

[Seal]

C. M. TAYLOR,

Deputy Clerk of the United States District Court,
Northern District of California.

[Endorsed]: Filed Nov. 30, 1918. W. B. Maling,
Clerk. By C. M. Taylor, Deputy Clerk. [23]

In the Southern Division of the United States District Court, for the Northern District of California, First Division.

No. 16,408.

In the Matter of FONG GIN GEE, on Habeas Corpus.

Traverse to Return to Writ of Habeas Corpus.

Comes now Lee Back Fon, the petitioner herein, and files this, his traverse to the return of the respondent Edward White, Commissioner of Immigration for the port of San Francisco, and in traversing generally said return your petitioner does hereby deny each

and every, all and singular, the material allegations and averments contained in said return, which are at variance with or different from or inconsistent with each, any, some or all of the material averments or allegations contained in said petition for a writ of habeas corpus, and your petitioner does hereby reaffirm and reallege each and every, all and singular, the material allegations and averments contained in the petition for a writ of habeas corpus herein, with the same force and effect, and to all intents and purposes as if said material allegations and averments and each and all of them were now fully set forth at length in words and figures in this traverse, and further and specifically traversing said return, your petitioner does now admit, deny, affirm and allege as follows, to wit:

I.

Your petitioner traversing subdivision 1 of said return, contained in lines 16 to 20, inclusive, page 1 of said return, reaffirms and realleges, to wit: That the said Fong Cheung, the father of the applicant for admission, Fong Gin Gee, is a domiciled [24] Chinese merchant, and a *bona fide* and active member of the firm of Man Hop and Company, of Woodland, California.

II.

Your petitioner traversing the first paragraph of subdivision 11, lines 22 to 32, inclusive, page 1, of said return, reaffirms and realleges the restraint and confinement of the said Fong Gin Gee, is in every way unlawful.

Your petitioner traversing the second paragraph

of subdivision 11, commencing at line 33, page 1, to and including line 4, page 2, of said return, admits that the said Fong Gin Gee made application to be admitted to the United States as the minor son of a Chinese merchant domiciled in the United States and doing business at a fixed place, to wit, the minor son of his father, Fong Cheung.

Your petitioner traversing the 3d, 4th, 5th and 6th paragraphs of subdivision 11, lines 5 to 31, inclusive, page 2, of said return, admits that the application of the said Fong Gin Gee was investigated by the Immigration Service of the United States Department of Labor, but denies that said investigation was conducted by said officials in good faith, and reaffirms and realleges that said applicant, Fong Gin Gee, was not given a full and fair hearing, nor was any legal evidence or any evidence of any kind produced to support the charge or charges that the said Fong Cheung, father of said applicant, was not a *bona fide* Chinese merchant.

Your petitioner traversing the 7th, 8th, 9th, 10th and 11th paragraphs, commencing at line 31, page 2, to and including line 3, page 4, admits that an appeal from the decision of the Commissioner of Immigration was taken to the Secretary of Labor, by said applicant, but reaffirms and realleges that said Fong Gin Gee was denied and refused a fair hearing in good faith, such as is guaranteed by law; and said denial of the right of said Fong Gin Gee to admission to the United States was an abuse of the discretion committed to each, [25] or any, or all of the persons before whom the matter was considered.

Your petitioner traversing the 12th paragraph, lines 7 to 11, inclusive, page 4, of said return, reaffirms and realleges that the said Fong Cheung, father of said applicant, is a *bona fide* Chinese merchant, as defined by and within the meaning of the laws governing the admission of Chinese into the United States.

Your petition traversing the 13th paragraph, lines 12 to 29, inclusive, page 4, reaffirms and realleges that the said Fong Cheung, the father of the said applicant, Fong Gin Gee, is a *bona fide* and active member of the firm of Man Hop & Company, Woodland, California; reaffirms and realleges that said firm deals in poultry; that it is the duty of the said Fong Cheung, as a member of the said firm, to go about the country by automobile and to purchase poultry from the farmers; that the poultry thus purchased is sold by the said firm in the regular course of business, and upon orders received from customers of said firm; that your petitioner reaffirms and realleges that the work of handling said poultry by the said Fong Cheung is incident to said business of the Man Hop and Company, and reaffirms and realleges that the said Fong Cheung performs no labor that is not connected with the proper handling of said business and which labor is permitted by law; and your petitioner further answering said return, alleges that the record referred to in said 13th paragraph, and which is made a part of the said petition for a writ of habeas corpus, does not disclose the fact that the said Fong Cheung had no interest in said store of Man Hop and Company, but, on the contrary, that the Bureau of

Immigration bases its findings on the fact that the said Fong Cheung, because he buys poultry, thereby performs labor inconsistent with that required of a merchant; your petitioner reaffirms and realleges that said finding was an abuse of discretion, and without the letter and spirit of the law. [26]

That your petitioner traversing the 14th paragraph, lines 30 to 32, page 4, of said return, reaffirms and realleges that at the time of filing said petition for a writ of habeas corpus, the record of the Immigration Service was inaccessible to petitioner.

Your petitioner further traversing paragraph 15, lines 1 to 9, inclusive, of said return, admits that the Secretary of Labor is the sole judge of the fact as to the kind of work performed by said Fong Cheung, provided said findings of fact are based upon substantial evidence and not upon mere suspicion and conjecture, but reaffirms and realleges that whether such work so performed is inconsistent with the duties of a merchant is one of law and not of fact, and the decision of the said Secretary of Labor on a matter of law is not final.

Your petitioner traversing the 16th paragraph, lines 10 to 19, inclusive, page 5, admits that all the proceedings relative to said matters before the Department of Labor have been recorded in a record known as the original record, and said record was upon hearing of demurrer filed herein, made a part of the original petition for a writ of habeas corpus.

WHEREFORE, your petitioner prays that the writ of habeas corpus herein issued in this matter be

made final, and that the detained alien go hence without day.

JOSEPH P. FALLON,
Attorney for Petitioner. [27]

State of California,
City and County of San Francisco,—ss.

Lee Back, on being first duly sworn, deposes and says:

That he is the petitioner named in the foregoing petition; that the same has been read and explained to him, and he knows the contents thereof; that the same is true of his own knowledge except as to those matters which are therein stated on his information and belief, and as to those matters he believes it to be true.

LEE BACK FON.

Subscribed and sworn to before me this 4th day of December, 1918.

[Seal] VIRGINIA A. BEEDE,
Notary Public, in and for the City and County of San Francisco, State of California.

[Endorsed]: Filed Dec. 5, 1918. W. B. Maling, Clerk. By C. W. Calbreath, Deputy Clerk. [28]

In the Southern Division of the United States District Court, for the Northern District of California, First Division.

No. 16,408.

In the Matter of FONG GIN GEE, on Habeas Corpus.

(Order Discharging Fong Gin Gee.)

JOSEPH P. FALLON, Esq., Attorney for Petitioner.

Mrs. ANNETTE ABBOTT ADAMS, United States District Attorney, and C. F. TRAMULTOLO, Assistant United States Attorney, Attorneys for Respondent.

The question involved herein was decided by the Court upon demurrer. Nothing new is presented, and it is therefore ordered that the detained Fong Gin Gee be discharged.

January 13, 1919.

M. T. DOOLING,
United States District Judge.

[Endorsed]: Filed Jan. 13, 1919. W. B. Maling, Clerk. By C. W. Calbreath, Deputy Clerk. [29]

In the Southern Division of the District Court of the United States, Northern District of California, First Division.

No. 16,408.

In the Matter of FONG GIN GEE, on Habeas Corpus.

Order of Discharge.

This matter having been regularly brought on for hearing upon the issues joined herein, and the same having been duly heard and submitted, and due consideration having been thereon had, it is by the Court

now here ORDERED, that the said named person in whose behalf the writ of habeas corpus was sued out is illegally restrained of his liberty, as alleged in the petition herein, and that he be, and he is hereby discharged from the custody from which he has been produced, and that he go hence without day.

Entered this 13th day of January, A. D. 1919.

[Seal]

WALTER B. MALING,
Clerk.

By C. M. Taylor,
Deputy Clerk.

[Endorsed]: Filed Jan. 13, 1919. W. B. Maling,
Clerk. By C. M. Taylor, Deputy Clerk. [30]

In the Southern Division of the United States District Court, for the Northern District of California, First Division.

No. 16,408.

EDWARD WHITE, as Commissioner of Immigration
at the Port of San Francisco,
Appellant,

vs.

FONG GIN GEE,

Appellee.

Notice of Appeal.

To the Clerk of the Above-entitled Court, to Fong Gin
Gee and to Joseph P. Fallon, Esq., His Attorney.

You and each of you will please take notice that
Edward White, Commissioner of Immigration at the

port of San Francisco, appellant herein, hereby appeals to the United States Circuit Court of Appeals for the Ninth Circuit, from an order and judgment made and entered herein on the 13th day of January, 1919, setting aside the return to the petition for a writ of habeas corpus, and discharging the said Fong Gin Gee from the custody of the said Edward White, Commissioner of Immigration at the port of San Francisco, and appellant herein.

Dated this 3d day of July, 1919.

ANNETTE ABBOTT ADAMS,
United States Attorney,
BEN F. GEIS,
Assistant United States Attorney,
Attorneys for Appellant.

Service of the within notice of appeal by copy admitted this 3d day of July, 1919.

JOSEPH P. FALLON,
Attorney for Petitioner.

[Endorsed]: Filed Jul. 3, 1919. W. B. Maling,
Clerk. By C. M. Taylor, Deputy Clerk. [31]

In the Southern Division of the United States District Court, for the Northern District of California, First Division.

No. 16,408.

EDWARD WHITE, as Commissioner of Immigration at the Port of San Francisco,

Appellant,

vs.

FONG GIN GEE,

Appellee.

Petition for Appeal.

To the Honorable M. T. DOOLING, Judge of the District Court of the United States for the Northern District of California.

Edward White, as Commissioner of Immigration at the port of San Francisco, appellant herein, feeling aggrieved by the order and judgment made and entered in the above-entitled cause on the 13th day of January, 1919, discharging Fong Gin Gee from the custody of said appellant, does hereby appeal from said order and judgment to the United States Circuit Court of Appeals for the Ninth Circuit, for the reasons set forth in the assignment of errors filed herewith.

WHEREFORE, petitioner prays that his appeal be allowed and that citation be issued, as provided by law, and that a transcript of the record, proceedings and documents, and all of the papers upon which said order and judgment were based, duly authenticated, be sent to the United States Circuit Court of Appeals for the Ninth Circuit, under the rules of such Court, and in accordance with the law in such case made and provided.

Dated this 3d day of July, 1919.

ANNETTE ABBOTT ADAMS,

United States Attorney,

BEN F. GEIS,

Asst. United States Attorney. [32]

Service of the within petition for appeal by copy admitted this 3d day of July, 1919.

JOSEPH P. FALLON,
Attorney for Petitioner.

[Endorsed]: Filed Jul. 3, 1919. W. B. Maling,
Clerk. By C. M. Taylor, Deputy Clerk. [33]

In the Southern Division of the United States District Court, for the Northern District of California, First Division.

No. 16,408.

EDWARD WHITE, as Commissioner of Immigration,
at the Port of San Francisco,
Appellant,

vs.

FONG GIN GEE,
Appellee.

Assignment of Errors.

Comes now Edward White, Commissioner of Immigration at the port of San Francisco, respondent in the above-entitled cause, and appellant in the appeal to the United States Circuit Court of Appeals for the Ninth Circuit, taken herein by his attorneys, Annette A. Adams, United States Attorney, and Ben F. Geis, Assistant United States Attorney, and files the following assignment of errors upon which he will rely in the prosecution of his appeal in the above-entitled cause to the United States Circuit Court of Appeals for the Ninth Circuit, from the

order and judgment made by this Honorable Court on the 13th day of January, 1919.

I.

That the Court erred in granting the writ of habeas corpus and discharging the alien Fong Gin Gee from the custody of Edward White, Commissioner of Immigration at the port of San Francisco.

II.

That the Court erred in holding that it had jurisdiction to issue the writ of habeas corpus in the above-entitled cause as prayed for in the petition of said Fong Gin Gee for a writ of habeas corpus.

III.

That the Court erred in holding that the allegations contained in said petition for a writ of habeas corpus were sufficient in law to justify the granting and issuing of a writ of habeas corpus. [34]

IV.

That the Court erred in finding that the evidence upon which the Secretary of Labor issued the order of deportation for the said Fong Gin Gee was insufficient in character.

V.

That the Court erred in holding that Fong Gin Gee was unlawfully imprisoned, detained, confined and restrained of his liberty by Edward White, Commissioner of Immigration at the port of San Francisco and that the evidence taken at the hearings of said case before the Immigration officials under the Chinese Exclusion Act was insufficient to justify the said respondent Edward White, to hold, detain or deport the said Fong Gin Gee.

VI.

That the Court erred in holding that Fong Cheung, the alleged father of the said Fong Gin Gee was a lawfully domiciled Chinese merchant.

VII.

That the Court erred in not holding that Fong Cheung was a Chinese laborer within the meaning of the Chinese Exclusion Laws.

VIII.

That the Court erred in holding that Fong Gin Gee was entitled to admission into the United States as the minor son of a lawfully, domiciled merchant, to wit, as the son of Fong Cheung.

IX.

That the Court erred in determining as a question of fact that Fong Cheung was a lawfully domiciled Chinese merchant as against the decision of the Secretary of Labor of the United States that the said Fong Cheung was not a lawfully domiciled Chinese merchant. [35]

X.

That the Court erred in holding there was no evidence showing that Fong Cheung was a laborer.

XI.

That the Court erred in holding there was an abuse of discretion on the part of the Commissioner of Immigration and the Secretary of Labor, in denying the said Fong Gin Gee the right to enter the United States.

XII.

The Court erred in holding that the hearing accorded the said Fong Gin Gee was unfair.

WHEREFORE, appellant prays that the said order and judgment of the United States District Court, for the Northern District of California, made and entered herein, in the office of the clerk of said court, on the said 13th day of January, 1919, setting aside the return to the petition for a writ of habeas corpus, and discharging the said Fong Gin Gee from the custody of Edward White, Commissioner of Immigration, be reversed, and that the said Fong Gin Gee be remanded to the custody of said Commissioner of Immigration.

Dated this 3d day of July, 1919.

ANNETTE ABBOTT ADAMS,
United States Attorney,
BEN F. GEIS,
Assistant United States Attorney,
Attorneys for Appellant.

Service of the within assignment of errors by copy admitted this 3d day of July, 1919.

JOSEPH P. FALLON,
Attorney for Petitioner.

[Endorsed]: Filed Jul. 3, 1919. W. B. Maling,
Clerk. By C. M. Taylor, Deputy Clerk. [36]

*In the Southern Division of the United States District
Court for the Northern District of California,
First Division.*

No. 16,408.

EDWARD WHITE, as Commissioner of Immigra-
tion at the Port of San Francisco,

Appellant,

vs.

FONG GIN GEE,

Appellee.

Order Allowing Appeal.

On motion of Annette A. Adams, United States Attorney, and Ben F. Geis, Assistant United States Attorney, attorneys for appellant in the above-entitled cause,—

IT IS HEREBY ORDERED, that an appeal to the United States Circuit Court of Appeals for the Ninth Circuit, from the order and judgment of January 13, 1919, heretofore made and entered herein, be, and the same is, hereby allowed, and that a certified transcript of the records, testimony, exhibits, stipulations and all proceedings be forthwith transmitted to the said United States Circuit Court of Appeals for the Ninth Circuit, in the manner and time prescribed by law.

Dated this 3d day of July, 1919.

E. S. FARRINGTON,
Judge of the District Court.

Service of the within order allowing appeal, by copy admitted this 3d day of July, 1919.

JOSEPH P. FALLON,

Attorney.

[Endorsed]: Filed Jul. 3, 1919. W. B. Maling, Clerk. By C. M. Taylor, Deputy Clerk. [37]

(Citation on Appeal—Copy.)

UNITED STATES OF AMERICA,—ss.

To Fong Gin Gee and to His Attorney, Joseph P. Fallon, Esq., GREETING:

You are hereby cited and admonished to be and appear at a United States Circuit Court of Appeals for the Ninth Circuit, to be holden at the city of San Francisco, in the State of California, within thirty days from the date hereof, pursuant to an order allowing an appeal, of record in the Clerk's Office of the United States District Court for the Northern District of California, Southern Division, First Division, wherein Edward White as Commissioner of Immigration for the port of San Francisco, is appellant, and you are appellee, to show cause, if any there be, why the decree rendered against the said appellant, as in the said order allowing appeal mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

WITNESS, the Honorable EDWARD S. FARRINGTON, United States District Judge for the

Northern District of California, this 3d day of July,
A. D. 1919.

E. S. FARRINGTON,
United States District Judge.

Service of the within citation by copy admitted this
3d day of July, 1919.

JOSEPH P. FALLON,
Attorney.

[Endorsed]: Filed Jul. 3, 1919. W. B. Maling,
Clerk. By C. M. Taylor, Deputy Clerk. [38]

*In the Southern Division of the United States District
Court for the Northern District of California,
First Division.*

No. 16,408.

In the Matter of FONG GIN GEE, on Habeas
Corpus.

Stipulation (as to Original Exhibit).

It is hereby stipulated and agreed by and between
the respective parties in the above-entitled cause that
the records of the Immigration Service, which were
filed in the above-entitled court as Respondent's Ex-
hibits "A," and which were made a part of respond-
ent's return to the petition for a writ of habeas corpus
in said cause, may be transferred, in their original
form and without being transcribed or copied, to the
United States Circuit Court of Appeals for the Ninth
Circuit, and the said records of the Immigration ser-
vice are and may there be considered as a part of

respondent's return to the said petition for a writ of habeas corpus, and the record in determining this cause on appeal to the said United States Circuit Court of Appeals for the Ninth Circuit, without objection on the part of either of the said respective parties.

ANNETTE ABBOTT ADAMS,
 United States Attorney,
 BEN F. GEIS,
 Assistant United States Attorney,
 Attorneys for Appellee.
 JOSEPH P. FALLON,
 Attorney for Petitioner.

[Endorsed]: Filed Jul. 3, 1919. W. B. Maling, Clerk. By C. M. Taylor, Deputy Clerk. [39]

In the Southern Division of the United States District Court for the Northern District of California, First Division.

No. 16,408.

In the Matter of FONG GIN GEE, on Habeas Corpus.

Order Transmitting Original Exhibits to Appellate Court.

It appearing to the Court that it is both necessary and proper that the records of the Immigration Service referred to in the above stipulation should be inspected in the United States Circuit Court of Appeals for the Ninth Circuit, in determining the ap-

peal of the said cause the same having been filed and considered as stated in this court,—

IT IS THEREFORE ORDERED that the said records be transferred in their original form by the clerk of this court to the clerk of the United States Circuit Court of Appeals for the Ninth Circuit, to be retained by said clerk until the appeal in the above-entitled cause is properly disposed of, at which time the same are to be returned to the clerk of the above-entitled court.

July 3d, 1919.

E. S. FARRINGTON,
U. S. District Judge.

[Endorsed]: Filed Jul. 3, 1919. W. B. Maling,
Clerk. By C. M. Taylor, Deputy Clerk. [40]

**Certificate of Clerk U. S. District Court to Transcript
on Appeal.**

I, Walter B. Maling, Clerk of the District Court of the United States, for the Northern District of California, do hereby certify that the foregoing — pages, number from 1 to —, inclusive, contain a full, true and correct transcript of certain records and proceedings, in the Matter of Fong Gin Gee, on Habeas Corpus, No. 16,408, as the same now remain on file and of record in this office; said transcript having been prepared pursuant to and in accordance with the praecipe for transcript of record (copy of which is embodied in this transcript) and the instruc-

tions of the attorney for respondent and appellant herein.

I further certify that the cost for preparing and certifying the foregoing Transcript on Appeal is the sum of nine dollars and eighty-five cents (\$9.85).

Annexed hereto is the Original Citation on Appeal issued herein (page 42).

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said District Court this 12th day of August, A. D. 1919.

[Seal]

WALTER B. MALING,
Clerk.

By C. M. Taylor,
Deputy Clerk. [41]

(Citation on Appeal—Original.)

UNITED STATES OF AMERICA,—ss.

The President of the United States, to Fong Gin Gee
and to His Attorney, Joseph P. Fallon, Esq.,
GREETING:

You are hereby cited and admonished to be and appear at a United States Circuit Court of Appeals for the Ninth Circuit, to be holden at the city of San Francisco, in the State of California, within thirty days from the date hereof, pursuant to an order allowing an appeal, of record in the clerk's office of the United States District Court for the Northern District of California, Southern Division, First Division, wherein Edward White, as Commissioner of Immigration for the port of San Francisco, is appellant, and you are appellee, to show cause, if any there

be, why the decree rendered against the said appellant, as in the said order allowing appeal mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

WITNESS, the Honorable EDWARD S. FARRINGTON, United States District Judge for the Northern District of California, this 3d day of July, A. D. 1919.

E. S. FARRINGTON,
United States District Judge. [42]

Service of the within citation by copy admitted this 3d day of July, 1919.

JOSEPH P. FALLON,
Attorney.

[Endorsed]: No. 16,408. United States District Court, for the Northern District of California, Southern Div., First Div. Edward White, Commissioner of Immigration, Appellant, vs. Fong Gin Gee. Citation on Appeal. Filed Jul. 3, 1919. W. B. Maling, Clerk. By C. M. Taylor, Deputy Clerk.

[Endorsed]: No. 3375. United States Circuit Court of Appeals for the Ninth Circuit. Edward White, as Commissioner of Immigration for the Port of San Francisco, Appellant, vs. Fong Gin Gee, Appellee. Transcript of Record. Upon Appeal from the Southern Division of the United States District

Court for the Northern District of California, First Division.

Filed August 12, 1919.

F. D. MONCKTON,
Clerk of the United States Circuit Court of Appeals
for the Ninth Circuit.

By Paul P. O'Brien,
Deputy Clerk.

*In the Southern Division of the District Court of
the United States, in and for the Northern Dis-
trict of California, First Division.*

No. 16,408.

In the Matter of FONG GIN GEE, on Habeas
Corpus.

Order Extending Time to Docket Case.

Good cause appearing therefor, and upon motion
of Ben F. Geis, attorney for the appellant herein,—

IT IS HEREBY ORDERED that the time within
which the above-entitled case may be docketed in the
office of the clerk of the United States Circuit Court
of Appeals for the Ninth Circuit may be and the same
hereby is extended for a period of thirty days from
and after the 3d day of August, 1919.

Dated San Francisco, California, August 1, 1919.

W. H. HUNT,
United States Circuit Judge.

[Endorsed]: No. 16,408. In the Southern Division of the District Court of the United States for the Northern District of California, First Division. In the Matter of Fong Gin Gee, on Habeas Corpus. Order Extending Time to Docket Case. No. 3375. Filed Aug. 1, 1919. F. D. Monckton, Clerk. Refiled Aug. 12, 1919. F. D. Monckton, Clerk.

